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DEPARTMENT OF COMMERCE

International Trade Administration

A-533-824

Polyethylene Terephthalate Film, Sheet, and Strip from India: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review; 2012-2013

AGENCY: Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty (AD) order on polyethylene terephthalate film, sheet, and strip (PET Film) from India. The period of review (POR) is July 1, 2012, through June 30, 2013.

This review covers respondents Jindal Poly Films Limited (Jindal) and SRF Limited (SRF). The Department preliminarily determines that Jindal did, and that SRF did not, make sales of subject merchandise at prices below normal value (NV) during the POR. The preliminary results are listed below in the section titled "Preliminary Results of Review." Interested parties are invited to comment on these preliminary results.

DATES: EFFECTIVE DATE: [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: Toni Page at (202) 482-1398; AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is polyethylene terephthalate film, sheet, and strip. The PET Film subject to the order is currently classifiable under subheading 3920.62.00.90 of the Harmonized Tariff Schedule of the United States (HTSUS). The HTSUS subheading is provided for convenience and customs purposes. A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, “Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Polyethylene Terephthalate Film, Sheet, and Strip from India; 2012-2013 Administrative Review” (Preliminary Decision Memorandum), which is hereby adopted by this notice. The written description is dispositive.

The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://enforcement.trade.gov/frn/index.html>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

#### Partial Rescission of Administrative Review

On August 28, 2013, the Department initiated a review of eight companies in this proceeding.<sup>1</sup> On December 12, 2013, Petitioners timely withdrew their requests for all

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<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part*, 78 FR 53128 (August 28, 2013). The eight companies were Ester Industries (Ester), Garware Polyester Ltd. (Garware), Jindal, MTZ Polyesters Ltd. (MTZ), Polyplex Corporation Ltd. (Polyplex), SRF, Uflex Limited (Uflex), and Vacmet. DuPont Teijin Films, Mitsubishi Polyester Film, Inc., and SKC, Inc. (collectively Petitioners)

companies except Jindal. On the same date, SRF and Jindal timely withdrew their self-requested reviews. On the same date, Polyplex USA and Flex USA (domestic interested parties) timely withdrew their requests for reviews of all companies except Jindal and SRF.

On December 18, 2013, Jindal and SRF filed a request with the Department to reject Polyplex USA's and Flex USA's review requests in both the AD and the countervailing duty proceedings because, they alleged, the requestors did not have standing to request a review for the current PORs. The Department made an interested party determination on March 20, 2014, concluding that Polyplex USA and Flex USA were eligible to request administrative reviews for this proceeding.<sup>2</sup>

Because Petitioners', Polyplex USA's, and Flex USA's withdrawal requests were timely filed, we are rescinding this administrative review with respect to Polyplex, Garware, Ester, Uflex, MTZ, and Vacmet, and proceeding with the review of Jindal and SRF.<sup>3</sup>

### Methodology

The Department conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum.

### Preliminary Results of Review

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requested a review for six companies (Ester, Garware, Polyplex, SRF, Jindal, and Vacmet). Polyplex, USA LLC (Polyplex USA) and Flex Films (USA) Inc. (Flex USA) requested a review for eight companies (SRF, Jindal, Polyplex, Garware, Ester, Uflex, MTZ, and Vacmet). In addition, Jindal and SRF self-requested administrative reviews.

<sup>2</sup> See Memorandum to Edward Yang, Director AD/CVD Operations, Office VII, Enforcement and Compliance re: Interested Party Status in the Antidumping Duty (AD) and Countervailing Duty (CVD) Administrative Reviews: Polyethylene Terephthalate Film, Sheet, and Strip (PET film) from India; 2012 – 2013 (March 20, 2013).

<sup>3</sup> See 19 CFR 351.213(d)(1).

As a result of this review, we preliminarily determine the following weighted-average dumping margins for the period July 1, 2012, through June 30, 2013.

Manufacturer/Exporter	Weighted-Average Margin
Jindal Poly Films Limited	1.57%
SRF Limited	0.00%

#### Disclosure and Public Comment

The Department will disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.<sup>4</sup> Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of this notice.<sup>5</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>6</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>7</sup> Case and rebuttal briefs should be filed using IA ACCESS.<sup>8</sup> In order to be properly filed, IA ACCESS must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Time.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via IA ACCESS, within 30 days after the date

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<sup>4</sup> See 19 CFR 351.224(b).

<sup>5</sup> See 19 CFR 351.309(c)(ii).

<sup>6</sup> See 19 CFR 351.309(d).

<sup>7</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>8</sup> See 19 CFR 351.303.

of publication of this notice.<sup>9</sup> Requests should contain: (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs.

The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act, unless that time is extended.

#### Assessment Rates

Upon completion of the administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

If Jindal's or SRF's weighted-average dumping margins are not zero or *de minimis* (*i.e.*, less than 0.5 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where the respondents' weighted-average dumping margin is zero or *de minimis*, or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

#### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET Film from India entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the

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<sup>9</sup> See 19 CFR 351.310(c).

Act: (1) the cash deposit rate for the company under review will be the rate established in the final results of this review (except, if the rate is zero or *de minimis*, *i.e.*, less than 0.5 percent, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review, the cash deposit rate will be the all others rate for this proceeding, 5.71 percent. These deposit requirements, when imposed, shall remain in effect until further notice.

#### Notification to Interested Parties

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 18, 2014.

Ronald K. Lorentzen  
Acting Assistant Secretary  
for Enforcement and Compliance

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

1. Summary
2. Background
3. Partial Rescission
4. Scope of the Order
5. Comparisons to Normal Value
6. Product Comparisons
7. Date of Sale
8. Export Price
9. Normal Value
10. Currency Conversion
11. Recommendation

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